

Senate File 297 - Introduced

SENATE FILE 297

BY DANIELSON

A BILL FOR

1 An Act relating to railway company liability for accidents
2 involving motor vehicles and trains.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 327G.2, Code 2017, is amended to read as
2 follows:

3 **327G.2 Crossings — signs.**

4 Every ~~corporation~~ company constructing or operating a
5 railway shall make and construct at all points where such
6 railway crosses any public road good, sufficient, and safe
7 crossings and erect at such points, at a sufficient elevation
8 from such road as to admit a free passage of vehicles of every
9 kind, a sign with large and distinct letters placed thereon, to
10 give notice of the proximity of the railway, and warn persons
11 of the necessity of looking out for trains. Any railway
12 company neglecting or refusing to comply with the provisions
13 of this section shall be liable for all damages sustained
14 by reason of such refusal or neglect, and it shall only be
15 necessary, in order to recover, for the injured party to prove
16 such neglect or refusal. However, a railway company shall be
17 strictly liable for any damage, injury, or death arising from
18 an accident involving a train and one or more motor vehicles if
19 the accident occurred at any point where the company's railway
20 crosses a public road.

21

EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 Current law requires a corporation constructing or operating
25 a railway to make and construct good, sufficient, and safe
26 crossings and erect appropriate signs at all points where the
27 railway crosses a public road. A railway company neglecting
28 or refusing to comply with these provisions is liable for all
29 damages sustained by reason of such refusal or neglect.

30 This bill provides that a railway company is strictly liable
31 for any damage, injury, or death arising from an accident
32 involving a train and one or more motor vehicles if the
33 accident occurred at any point where the company's railway
34 crosses a public road.